

Assembly Bill No. 1946

CHAPTER 152

An act to repeal and add Section 115910 of the Health and Safety Code, relating to public beaches.

[Approved by Governor July 21, 2000. Filed with
Secretary of State July 21, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1946, Wayne. Public beaches: survey.

Existing law provides that whenever any beach fails to meet certain bacteriological standards established by the State Department of Health Services, the local health officer shall, at a minimum, post the beach with conspicuous warning signs to inform the public of the nature of the problem and the possibility of risk to public health.

Existing law further requires each local health officer to submit to the State Water Resources Control Board an annual survey documenting all beach postings and closures due to threats to the public health that occurred during the preceding calendar year, and requires the board to publish annually a statewide report documenting the beach posting and closure data provided to the board by the health officer for the preceding calendar year.

This bill would revise these survey requirements to instead require each local health officer to submit to the board, on or before the 15th day of each month, a survey including certain information and documenting all beach postings and closures resulting from failure of a beach to meet the bacteriological standards specified above. The bill would require the board, on or before February 1, 2001, to establish a prescribed format for the surveys, and to make available to the public specified information on the beach closures. It would further require the board to publish its statewide report on or before July 30 of each year and make available to the public copies of this report by a variety of means typically available to the board. By increasing the level of service required of local health officers with respect to the beach surveys, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 115910 of the Health and Safety Code is repealed.

SEC. 2. Section 115910 is added to the Health and Safety Code, to read:

115910. (a) On or before the 15th day of each month, each health officer shall submit to the board a survey documenting all beach postings and closures resulting from implementation of Section 115915 that occurred during the preceding month. The survey shall, at a minimum, include the following information:

(1) Identification of the beaches in each county subject to testing conducted pursuant to Section 115885 and the amount and types of monitoring conducted at each beach.

(2) Identification of the geographic location, areal extent, and type of action taken for each incident of posting or closure conducted pursuant to Section 115915. Geographic location and areal extent shall be noted in sufficient detail to determine on a common map, or by latitude and longitude, the approximate boundaries of the affected beaches.

(3) Identification of the standards exceeded and the causes and sources of the pollution, if known. Exceeded standards shall be identified with sufficient particularity to determine which types of tests and biological indicators were used to determine that an exceeded standard exists. Causes of pollution shall be identified with sufficient particularity to determine what substances, in addition to any water carrying the substances, were responsible for the exceeded standard. Sources shall be identified with sufficient particularity to determine the most specific geographical origin of the pollution sources available to the health officer at the time of the posting or closure.

(b) Surveys conducted pursuant to subdivision (a) shall be in a specific format established by the board on or before February 1, 2001. The board shall make the format easily accessible to the health officer through means that will enable the health officer to most effectively carry out the requirements of this section and enable the board to develop consistent, statewide data concerning the effect and status of beach postings and closures in a particular calendar year.

(c) On or before the 30th day of each month, the board shall make available to the public the information provided by the health officers. Based upon the data provided pursuant to subdivision (a), the report shall, at a minimum, include the location and duration of

each beach closure and the suspected sources of the contamination that caused the closure, if known.

(d) On or before July 30 of each year, the board shall publish a statewide report documenting the beach posting and closure data provided to the board by the health officers for the preceding calendar year. Based upon the data provided pursuant to subdivision (a), the report shall, at a minimum, include the location and duration of each beach closure and the suspected sources of the contamination that caused the closure, if known.

(e) Within 30 days of publication of the annual report, the board shall distribute copies of the report to the Governor, the Legislature, and major media organizations, and copies of the report shall be made available to the public by a variety of means typically available to the board.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

